

LAUSTEVEION JOHNSON,
#82138

Plaintiff,

vs.

TREVOR ALCINDOR, *et al.*,

Defendants.

Presently before the court is the matter of *Johnson v. Alcindor et al*, case no. 2:10-cv-02143-JCM-GWF. On March 7, 2012, the court entered an order granting the parties' stipulation to dismiss the case with prejudice. (Doc. # 39). Plaintiff subsequently filed a motion to vacate the settlement agreement (doc. # 40) which this court denied on March 22, 2012. (Doc. # 43). The court found that it had no jurisdiction to vacate the settlement agreement under the Supreme Court's holding in *Kokkonen v. Guardian Life Ins. Co. Of America*, 511 U.S. 375 (1994), and held that, "[a]bsent such a basis, the case remains closed pursuant to the parties' stipulation." (*Id.* at 2).

Over 19 months later, the clerk's office mistakenly issued a notice pursuant to Local Rule 41-1 indicating that "[i]f no action is taken in this case within (30) days, the Clerk's office will make an application to the Court for dismissal for want of prosecution." (Doc. # 45). In response, plaintiff filed a motion for production of documents, a first set of interrogatories, and a motion for a scheduling order. (Docs. ## 46, 47, 48).

1 As this case was dismissed with prejudice pursuant to the parties' stipulation, and because the
2 court lacked jurisdiction to vacate the stipulation, this case has long been closed. Defendants' motion
3 for judgment is granted.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's motion for a
6 scheduling order (doc. # 48) be, and the same hereby is, STRICKEN.

7 IT IS FURTHER ORDERED that defendants' motion for judgment (doc. # 51) be, and the same
8 hereby is, GRANTED. The clerk shall enter judgment and close the case.

9 DATED December 3, 2013.

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12 UNITED STATES DISTRICT JUDGE
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